IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 16.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Writ Appeal No.2011 of 2003

1. The Secretary to Government,
Housing & Urban Development Department,
Fort St. George, Madras-9.

2. The Special Tahsildar
(Neighbourhood Scheme) and
Land Acquisition Officer,
Nagercoil, Kanyakumari District. ... Appellant

vs.

Kulanthai Ganapathi Nadar ... Respondent

Appeal against the Order of the learned single Judge, dated 22.11.2002, made in W.P. No.825 of 1995. It is prayed that the proceedings of the First Respondent in G.O.Ms.No.1206, Housing and Urban Development Department dated 17.9.91 and quash the same in so far as the same relates to the petitioners lands are concerned.

For Appellants : Mr.M.Dhandapani,
Addl. Govt. Pleader.

For Respondents : Mr.R.Krishnan,
for Mr.A.Sivaji.

J U D G M E N T

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above Writ Appeal has been filed against the Order of the learned single Judge, dated 22.11.2002, made in W.P. No.825 of 1995.

2. Heard learned Additional Government Pleader for the appellants and learned counsel for the respondent.

3. It is not in dispute that, following the decision reported in 2000 (III) CTC 215 (N.Chelladurai v. The Government of Tamil Nadu,

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rep. by the Secretary to Govt., Housing and Urban Development Department and another) as well as the order of another learned single Judge dated 24.07.2002, made in W.P. No.21479 of 1994, the learned Judge allowed the Writ Petition and quashed the acquisition proceedings. To-day, in W.A.No.541 of 2003 and W.A.Nos.1035 to 1037 of 2003, we ourselves quashed identical acquisition proceedings, allowing the Writ Appeal filed by the land owner and dismissing the Appeals filed by the Government. In view of the reasons stated therein, we are in entire agreement with the conclusion arrived at by the learned Judge.

Consequently, the Appeal fails and the same is dismissed. No costs.

JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government
Housing and Urban Development Department
Fort St.George
Chennai-9.

2.The Special Tahsildar
(Neighbourhood Scheme) and
Land Acquisition Officer
Nagercoil
Kanyakumari District.

+ one cc to Mr.A.Sivaji, Advocate Sr.No.25317.
+ one cc to Gvernment Pleader Sr.No.25132.

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JSK (CO)
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